

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

BENFIELD INC. and
BENFIELD HOLDINGS, INC.,

Plaintiffs,

v.

ORDER

Civil File No. 04-3513 (MJD/SRN)

DAVID MOLINE
and MARK HAGEN,

Defendants and Third Party Plaintiffs,

and

JOHN B. COLLINS ASSOCIATES, INC.,

Defendant,

v.

RODMAN FOX,

Third Party Defendant.

Robin Caneff Gipson, Gregory James Stenmoe and Timothy Robert Thornton, Briggs & Morgan, and Wendy J. Wildung, Faegre & Benson, Counsel for Plaintiffs Benfield, Inc., and Benfield Holdings, Inc., and Third Party Defendant Rodman Fox.

Ansis V. Viksnins and Reuben A. Mjaanes, Lindquist & Vennum, PLLP, Counsel for Defendants and Third Party Plaintiffs David Moline and Mark Hagen and Defendant John B. Collins Associates, Inc.

The above-entitled matter comes before the Court upon Plaintiffs' Appeal of

the Order of Chief United States Magistrate Judge Jonathan Lebedoff dated September 2, 2005. This Court will reverse a magistrate judge's order on a nondispositive issue only if it is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); D. Minn. L.R. 72.1(b)(2).

The Court has reviewed the applicable law and Plaintiffs' objections and finds that the Chief Magistrate Judge correctly applied the law and that the Order is not clearly erroneous. Based on this Court's review of the record, the Court **AFFIRMS** the Chief Magistrate Judge's Order dated September 2, 2005.

IT IS HEREBY ORDERED that

Chief Magistrate Judge Jonathan Lebedoff's Order dated September 2, 2005, [Docket No. 162] is **AFFIRMED**.

Dated: October 17, 2005

s/ Michael J. Davis
Judge Michael J. Davis
United States District Court